

ASSEMBLY BILL

No. 365

Introduced by Assembly Member Salinas

February 11, 2005

An act to amend Section 51201 of the Government Code, relating to agricultural lands.

LEGISLATIVE COUNSEL'S DIGEST

AB 365, as introduced, Salinas. Local agencies: agricultural lands.

Existing law, the Williamson Act, provides that a landowner and a city or county may enter into a mutually beneficial contract to restrict the use of agricultural land by creating an "agricultural preserve," as defined, in order to preserve the limited supply of agricultural land necessary to the conservation of the state's economic resources. The act also defines other terms for purposes of its provisions, including "agricultural use."

This bill would revise the definition of "agricultural use" to include greenhouses.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 51201 of the Government Code is
- 2 amended to read:
- 3 51201. As used in this chapter, unless otherwise apparent
- 4 from the context:
- 5 (a) "Agricultural commodity" means any and all plant and
- 6 animal products produced in this state for commercial purposes.

(b) “Agricultural use” means use of land *or greenhouses* for the purpose of producing an agricultural commodity for commercial purposes.

(c) “Prime agricultural land” means any of the following:

(1) All land that qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classifications.

(2) Land which qualifies for rating 80 through 100 in the Storie Index Rating.

(3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.

(4) Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.

(5) Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars (\$200) per acre for three of the previous five years.

(d) “Agricultural preserve” means an area devoted to either agricultural use, as defined in subdivision (b), recreational use as defined in subdivision (n), or open-space use as defined in subdivision (o), or any combination of those uses and which is established in accordance with the provisions of this chapter.

(e) “Compatible use” is any use determined by the county or city administering the preserve pursuant to Section 51231, 51238, or 51238.1 or by this act to be compatible with the agricultural, recreational, or open-space use of land within the preserve and subject to contract. “Compatible use” includes agricultural use, recreational use or open-space use unless the board or council finds after notice and hearing that the use is not compatible with the agricultural, recreational or open-space use to which the land is restricted by contract pursuant to this chapter.

(f) “Board” means the board of supervisors of a county which establishes or proposes to establish an agricultural preserve or

1 which enters or proposes to enter into a contract on land within
2 an agricultural preserve pursuant to this chapter.

3 (g) “Council” means the city council of a city which
4 establishes or proposes to establish an agricultural preserve or
5 which enters or proposes to enter into a contract on land within
6 an agricultural preserve pursuant to this chapter.

7 (h) Except where it is otherwise apparent from the context,
8 “county” or “city” means the county or city having jurisdiction
9 over the land.

10 (i) A “scenic highway corridor” is an area adjacent to, and
11 within view of, the right-of-way of:

12 (1) An existing or proposed state scenic highway in the state
13 scenic highway system established by the Legislature pursuant to
14 Article 2.5 (commencing with Section 260) of Chapter 2 of
15 Division 1 of the Streets and Highways Code and which has been
16 officially designated by the Department of Transportation as an
17 official state scenic highway; or

18 (2) A county scenic highway established pursuant to Article
19 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of
20 the Streets and Highways Code, if each of the following
21 conditions have been met:

22 (A) The scenic highway is included in an adopted general plan
23 of the county or city; and

24 (B) The scenic highway corridor is included in an adopted
25 specific plan of the county or city; and

26 (C) Specific proposals for implementing the plan, including
27 regulation of land use, have been approved by the Advisory
28 Committee on a Master Plan for Scenic Highways, and the
29 county or city highway has been officially designated by the
30 Department of Transportation as an official county scenic
31 highway.

32 (j) A “wildlife habitat area” is a land or water area designated
33 by a board or council, after consulting with and considering the
34 recommendation of the Department of Fish and Game, as an area
35 of great importance for the protection or enhancement of the
36 wildlife resources of the state.

37 (k) A “saltpond” is an area which, for at least three
38 consecutive years immediately prior to being placed within an
39 agricultural preserve pursuant to this chapter, has been used for

1 the solar evaporation of seawater in the course of salt production
2 for commercial purposes.

3 (l) A “managed wetland area” is an area, which may be an
4 area diked off from the ocean or any bay, river or stream to
5 which water is occasionally admitted, and which, for at least
6 three consecutive years immediately prior to being placed within
7 an agricultural preserve pursuant to this chapter, was used and
8 maintained as a waterfowl hunting preserve or game refuge or for
9 agricultural purposes.

10 (m) A “submerged area” is any land determined by the board
11 or council to be submerged or subject to tidal action and found
12 by the board or council to be of great value to the state as open
13 space.

14 (n) “Recreational use” is the use of land in its agricultural or
15 natural state by the public, with or without charge, for any of the
16 following: walking, hiking, picnicking, camping, swimming,
17 boating, fishing, hunting, or other outdoor games or sports for
18 which facilities are provided for public participation. Any fee
19 charged for the recreational use of land as defined in this
20 subdivision shall be in a reasonable amount and shall not have
21 the effect of unduly limiting its use by the public. Any ancillary
22 structures necessary for a recreational use shall comply with the
23 provisions of Section 51238.1.

24 (o) “Open-space use” is the use or maintenance of land in a
25 manner that preserves its natural characteristics, beauty, or
26 openness for the benefit and enjoyment of the public, to provide
27 essential habitat for wildlife, or for the solar evaporation of
28 seawater in the course of salt production for commercial
29 purposes, if the land is within:

- 30 (1) A scenic highway corridor, as defined in subdivision (i).
- 31 (2) A wildlife habitat area, as defined in subdivision (j).
- 32 (3) A saltpond, as defined in subdivision (k).
- 33 (4) A managed wetland area, as defined in subdivision (l).
- 34 (5) A submerged area, as defined in subdivision (m).